



I declare under the penalty of perjury that the following is true and correct. Executed on  
November 29, 2004.

/s/ James N. Benedict  
James N. Benedict



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

BOGATIN FAMILY TRUST, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

VS.

FIDELITY MANAGEMENT AND RESEARCH  
COMPANY, et al.,

Defendants.

Civil Action No. 04cv11642 (NG)

CERTIFICATE OF C. NEIL GRAY PURSUANT TO LOCAL RULE 83.5.3(b)

C. Neil Gray declares and states as follows:

1. I am an attorney and an associate of the law firm of Milbank, Tweed, Hadley & McCloy LLP, New York, New York. I have been a member in good standing of the Bar of the State of New York since 2000. I am also a member in good standing of the Bar of the United States Court of Appeals for the Eighth Circuit and the United States District Courts for the Southern District of New York and the Eastern District of New York. I am a member of the bar in good standing in every jurisdiction in which I have been admitted to practice.

2. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction.

3. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

I declare under the penalty of perjury that the following is true and correct. Executed on  
November 29, 2004.

/s/ C. Neil Gray  
C. Neil Gray